

Message Text

PAGE 01 STATE 028274
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INFO OCT-01 AF-08 ARA-06 EUR-12 EA-07 NEA-10 ISO-00 LAB-04
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CONFIDENTIAL

PAGE 02 STATE 028274

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CONFIDENTIAL

PAGE 03 STATE 028274

AMEMBASSY MADRID PRIORITY
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INFO USMISSION USUN NEW YORK
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C O N F I D E N T I A L STATE 028274

E.O. 11652: GDS

TAGS: ELAB, ILO

SUBJECT: PREPARATIONS FOR FEB-MARCH 1977 SESSION OF ILO
GOVERNING BODY (GB)

REF: STATE 4508(NOTAL) - BEING REPEATED

SUMMARY: POSTS ARE ASKED TO ASSIST DEPARTMENT PREPARATIONS
FOR MEETING (FEB 14-MARCH 4) OF THE ILO GB THROUGH REPRESENTATIONS TO FONOFFS AND TO OTHER APPROPRIATE GOVERNMENT OFFICIALS. MAJOR ISSUES ARE (A) CONSIDERATION OF DIRECTOR GENERAL'S (DG) (AND GB OFFICERS) RECOMMENDATION TO CLOSE THE BOOK ON 1974 ISRAELI CONDEMNATION RESOLUTION ; AND (B) CONSIDERATION OF CONFERENCE STANDING ORDERS AMENDMENT TO ELIMINATE CONFERENCE CONSIDERATION OF POLITICAL RESOLUTIONS

AND RESOLUTIONS CONDEMNING WITHOUT INVESTIGATION. SUBSTANCE OF DEMARCHES IS SET FORTH PARA 6 AND 7 BELOW. PARAS 1-5 DESCRIBE PROCEDURE FOR BOTH ISSUES. ACTION ADDRESSEES INCLUDE POSTS IN COUNTRIES WHICH HAVE WORKER, EMPLOYER, AND/OR GOVT MEMBERS OF TRIPARTITE ILO GB, WITH CAVEAT SET FORTH PARA 3 FOR POSTS IN COUNTRIES WHICH HAVE WORKER AND/OR EMPLOYER REPS ON GB. END SUMMARY.

1. ACTION ADDRESSEES ARE REQUESTED, UNLESS THEY CONSIDER IT INADVISABLE, TO MAKE APPROACH ON BOTH SUBJECTS AT

HIGHEST POSSIBLE LEVEL IN HOST GOVERNMENT, AND, UNLESS THIS
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PAGE 04 STATE 028274

WOULD BE COUNTERPRODUCTIVE, IN BOTH FOREIGN AND LABOR MINISTRIES. POSTS MAY USE DISCRETION IN CHOOSING MOST EFFECTIVE APPROACH AND IN DECIDING TO RAISE ONLY ARTICLE 17 ISSUE RATHER THAN BOTH TOPICS, IF ARAB-ISRAELI APPROACH IS COUNTERPRODUCTIVE. POSTS SHOULD EMPHASIZE IMPORTANCE OF HOST GOVERNMENTS ISSUING INSTRUCTIONS TO DELEGATION, IF POSSIBLE PRIOR TO OPENING OF GB FEB 14.

PARA 8 BELOW LISTS TRIPARTITE VOTING GB MEMBERS; PARA 9 LISTS TRIPARTITE NON-VOTING MEMBERS. POSTS WHOSE HOST GOVERNMENT HAS REPRESENTATION ON GB SHOULD IN THEIR DEMARCHES REFLECT DISTINCTION BETWEEN TITULAR AND DEPUTY MEMBERS AND THAT WE KNOW THAT ALTHOUGH DEPUTY MEMBERS DO NOT VOTE, THEY NEVERTHELESS PARTICIPATE FULLY IN DISCUSSION. POSTS SHOULD ALSO REMIND HOST WORKER OR EMPLOYER DEPUTY MEMBER MAY BECOME VOTING MEMBER IF WORKER OR EMPLOYER VOTING MEMBER ABSENT (THIS DOES NOT APPLY TO GOVT MEMBERS).

2. FOR PARIS, BONN, LONDON, ROME, OSLO, VIENNA, OTTAWA, CANBERRA, MELBOURNE, TOKYO: IN INFORMAL CONSULTATIONS AT NOVEMBER GB, INDUSTRIALIZED MARKET ECONOMY (IMEC) COUNTRIES ON GB HAVE ALL COMMITTED THEMSELVES TO SUPPORT ARTICLE 17 AMENDMENT. DEMARCHES TO THESE COUNTRIES ON THAT ISSUE MIGHT SIMPLY TAKE FORM OF CONFIRMING THEIR AGREEMENT.

3. FOR THOSE COUNTRIES HAVING WORKER OR EMPLOYER REPRESENTATION ON GB, EMBASSY IS REQUESTED TO DISCUSS MATTER WITH RELEVANT REPRESENTATIVES ONLY IF THE EMBASSY ALREADY HAS CLOSE RELATIONSHIP WHICH WOULD MAKE THIS APPEAR NORMAL. IN OTHER CASES SUCH APPROACHES MAY RAISE MORE PROBLEMS THAN ANY ADVANTAGES WHICH MIGHT BE GAINED. AFL-CIO REPRESENTATIVE BROWN IS FULLY COGNIZANT OF IMPORTANCE OF ISSUES AND WILL NO DOUBT BE CARRYING THIS BALL WITH WORKER REPRESENTATIVES.
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PAGE 05 STATE 028274

4. FOR AF POSTS WHICH HAVE JUST HAD VISIT BY US ILO REP HOROWITZ: SINCE HOROWITZ DISCUSSED ABOVE SUBJECTS AT SOME LENGTH SO RECENTLY, POST MAY FIND A GENTLE REMINDER TO HOST GOVT SUFFICIENT.

5. DEPT CONSIDERS IT IMPORTANT THAT DEMARCHES, IF MADE, BE MADE TO FONOFF'S IN ADDITION TO OTHER HOST GOVERNMENT DEPARTMENTS CONSIDERED EFFECTIVE BY POSTS. WOULD APPRECIATE REPORTS OF APPROACHES BY PRIORITY CABLE TO WASHINGTON AND GENEVA. SEPTELS FOLLOW GIVING AIDE MEMOIRE IN FRENCH AND SPANISH AS APPROPRIATE BUT IN VIEW SHORTAGE

OF TIME, POSTS IN FRENCH AND SPANISH-SPEAKING COUNTRIES ARE REQUESTED TO INITIATE DEMARCHE, INFORMING HOST GOVT THAT AIDE MEMOIRE WILL BE PROVIDED SUBSEQUENTLY. ENGLISH LANGUAGE AIDE-MEMOIRE FOR USE AS SUCH AND AS TALKING POINTS PARA 10.

6. ARAB-ISRAELI ISSUE. (A) BACKGROUND: AS STATED REFTEL, US RELUCTANTLY AGREED TO POSTPONEMENT BY NOVEMBER SESSION OF ILO GOVERNING BODY OF DISCUSSION OF DG'S REPORT, CONCURRED IN BY GB OFFICERS, RECOMMENDING THAT GB "CLOSE THE BOOK" ON 1974 RESOLUTION CONDEMNING ISRAEL WITHOUT INVESTIGATION. POSTPONEMENT WAS ON BASIS THAT DG'S REPORT WOULD BE CONSIDERED AT FEBRUARY SESSION. GB BEGINS COMMITTEE MEETINGS FEB 14, FOLLOWED BY PLENARY MARCH 1-4. ISSUE WILL COME UP DURING PLENARY SESSION.

(B) APPROACH SHOULD POINT OUT THIS IS NOT SUBSTANTIVE MIDDLE EAST ISSUE BUT ONE OF DUE PROCESS WHICH IS IN INTERESTS OF ALL ILO MEMBERS. ILO MEMBERS NOW HAVE OPPORTUNITY TO DEAL CONCLUSIVELY AND FINALLY WITH ISSUE WHICH HAS BEDEVILLED ILO PROCEEDINGS AND WHOSE OUTCOME WILL HAVE GREAT INFLUENCE ON US RE FUTURE OF ITS RELATIONS WITH ILO.

CONFIDENTIAL

PAGE 06 STATE 028274

(C) HOST GOVERNMENTS SHOULD BE ASKED TO INSTRUCT ILO GB REPRESENTATIVES TO (A) SUPPORT ACTION TO HAVE DG'S RECOMMENDATION (TO CLOSE BOOK) ACCEPTED, AND (B) TO RESIST ANY EFFORTS FOR GB TO POSTPONE ISSUE OR TO HAVE FURTHER ACTION TAKEN. POSTS MAY POINT OUT THAT THOSE WHO ORIGINALLY SPONSORED THE RESOLUTION HAVE ALWAYS BEEN FREE, AND ARE STILL FREE, TO FILE COMPLAINT THROUGH NORMAL ILO MACHINERY (ART 26 OR COMMITTEE ON FREEDOM OF ASSOCIATION).

7. ARTICLE 17: (A) BACKGROUND: TWO OF FOUR TRENDS PROMPTING USG LETTER OF INTENT TO WITHDRAW FROM ILO ARE ITS INCREASING POLITICIZATION, I.E., GROWING AMOUNT OF ILO TIME AND ENERGY SPENT ON IRRELEVANT AND POLEMICAL RESOLUTIONS

UNRELATED TO GOALS OF ILO AS SET FORTH IN ITS CONSTITUTION, AND VIOLATIONS OF DUE PROCESS THROUGH ADOPTION OF RESOLUTIONS CONDEMNING COUNTRIES WITHOUT INVESTIGATION. USG HAS PROPOSED AMENDING ARTICLE 17 (DEALING WITH RESOLUTIONS) OF STANDING ORDERS OF ILO CONFERENCE TO CREATE SCREENING DEVICE WHICH WOULD PREVENT SUCH RESOLUTIONS FROM BEING CONSIDERED AT THE CONFERENCE. THE NOV GB PLACED THIS ITEM ON THE AGENDA OF THE FEB 1977 SESSION FOR CONSIDERATION BY ITS STANDING ORDERS COMMITTEE AND PLENARY SESSION. (ASSUMING FAVORABLE ACTION AT EACH STEP, STANDING ORDERS COMMITTEE OF GB RECOMMENDS ADOPTION TO GB, GB REFERS TO STANDING ORDERS COMMITTEE OF JUNE GENERAL CONFERENCE, WHICH RECOMMENDS ADOPTION TO CONFERENCE, WHICH FINALLY ADOPTS.)

AMENDMENT AS IT WILL COME BEFORE STANDING ORDERS COMMITTEE OF GB IS THE US-DRAFTED TEXT AS AMENDED AFTER INFORMAL CONSULTATIONS IN NOVEMBER 1975 BETWEEN US AND OTHER MEMBERS OF WORKING PARTY ON STRUCTURE (WPS). THAT AMENDMENT (WHICH MAY BE SUBJECT OF MINOR TECHNICAL CHANGES PROPOSED BY USDEL IN COMMITTEE) DEFINES THE TWO CRITERIA OF NON-RECEIVABILITY: (1) CONDEMNATIONS OF COUNTRIES ON MATTERS NOT RELATED TO CONVENTIONS AND RECOMMENDATIONS OF ILO; AND (2) CONDEMNATION OF COUNTRIES ON MATTERS COVERED BY CON-
CONFIDENTIAL

PAGE 07 STATE 028274

VENTIONS AND RESOLUTIONS WHERE AN INVESTIGATION HAS NOT TAKEN PLACE OR WHERE CONDEMNATION IS NOT IN ACCORDANCE WITH FINDINGS OF INVESTIGATING COMMITTEE. OFFICERS OF GB FIRST SCREEN RESOLUTIONS RECEIVED, REFERRING THOSE CONSIDERED TO COME WITHIN NON-RECEIVABLE CRITERIA TO A THREE-MAN PANEL FROM COMMITTEE ON EXPERTS ON APPLICATION OF CONVENTIONS, INCLUDING CHAIRMAN AND TWO OTHERS, WHO WOULD SCREEN RESOLUTIONS SUBMITTED TO CONFERENCE TO DETERMINE WHETHER THEY FELL WITHIN CRITERIA OF NON-RECEIVABILITY. APPEAL TO THE OFFICERS OF THE CONFERENCE WOULD ALSO BE PROVIDED. IN ALL THREE CASES (GB OFFICERS, EXPERT PANEL AND CONFERENCE OFFICERS) MAJORITY DECISION WOULD BE CONTROLLING.

(B) POSTS SHOULD STATE THAT USG LOOKS UPON CREATION OF SCREENING PROCEDURE AS IMPORTANT STEP TOWARD OBJECTIVE SHARED BY MANY ILO MEMBERS, INCLUDING US, I.E. TO ENSURE ILO FOCUSES ATTENTION ON ISSUES/PROGRAMS RELATED TO GOALS, PURPOSES AND SPECIALIZED MANDATE OF ORGANIZATION AND THAT THE FUNDAMENTAL PRINCIPLES OF DUE PROCESS (INVESTIGATION BEFORE CONDEMNATION) BE PRESERVED; POSTS SHOULD REQUEST HOST GOVERNMENT SUPPORT OF EFFORTS TO AMEND ARTICLE 17 TO CREATE SUCH PROCEDURE, STRESSING THAT: (1) CREATION OF SCREENING PROCEDURE WOULD CONSIDERABLY ALLEVIATE ONE OF MAJOR CAUSES OF USG DISAFFECTION WITH ILO; AND (2) THIS AMENDMENT WOULD PREVENT EMBARRASSING SITUATIONS WHICH HAVE CONFRONTED MANY ILO MEMBERS WHEN THEY HAVE BEEN

SUBJECT TO POLITICAL PRESSURE TO SUPPORT RESOLUTIONS WHICH THEY ARE AWARE ARE DESTRUCTIVE OF THE PRINCIPLES AND PROCEDURES OF THE ILO.

8. GB TRIPARTITE VOTING MEMBERS:

(A) GOVERNMENT MEMBERS: AUSTRALIA, BRAZIL CANADA, FRANCE, FEDERAL REPUBLIC OF GERMANY, GUINEA, HUNGARY, INDIA, IRAN, ITALY, JAPAN, KUWAIT, LIBERIA, MEXICO, NORWAY, PAKI-CONFIDENTIAL

PAGE 08 STATE 028274

STAN, PANAMA, SOMALIA, SUDAN, TOGO, TRINIDAD AND TOBAGO, USSR, UNITED KINGDOM, UNITED STATES, VENEZUELA, YUGOSLAVIA, ZAIRE.

(B) EMPLOYER MEMBERS: NIGERIA, SUDAN, SWEDEN, UNITED KINGDOM, CONGO, IRAN, FEDERAL REPUBLIC OF GERMANY, VENEZUELA, LEBANON, FRANCE, UNITED STATES, INDIA, URUGUAY, JAPAN.

(C) WORKER MEMBERS: UNITED STATES, JAPAN, AUSTRALIA, ARGENTINA, TUNISIA, INDIA, CANADA, FEDERAL REPUBLIC OF GERMANY, NIGERIA, USSR, UNITED KINGDOM, MADAGASCAR, MEXICO, NORWAY.

9. GB TRIPARTITE NON-VOTING MEMBERS:

(A) GOVERNMENT DEPUTY MEMBERS: ARGENTINA, AUSTRIA, BURUNDI, UNITED REPUBLIC OF CAMEROON, COLOMBIA, CUBA, GREECE, HONDURAS, INDONESIA, MAURITIUS, POLAND ROMANIA, SIERRA LEONE, SRI LANKA, TANZANIA, THAILAND, TUNISIA, TURKEY.

(B) EMPLOYER DEPUTY MEMBERS: JORDAN, GHANA, SIERRA LEONE, JAMAICA, SPAIN, UNITED REPUBLIC OF CAMEROON, ITALY, AUSTRALIA, CANADA, SENEGAL, BELGIUM, ARGENTINA, MEXICO, TUNISIA.

(C) WORKER DEPUTY MEMBERS: ISRAEL, IVORY COAST, COLOMBIA, ITALY, ROMANIA, EGYPT, VENEZUELA, ZAIRE, AUSTRIA, FRANCE, PHILIPPINES, ETHIOPIA, INDONESIA, MALAYSIA.

10. (A) AIDE-MEMOIRE

THE UNITED STATES GOVERNMENT BELIEVES THAT MEMBERS OF THE ILO GOVERNING BODY SHOULD SUPPORT THE DIRECTOR GENERAL OF THE ILO IN HIS DESIRE TO CLOSE OUT HIS RESPONSIBILITIES
CONFIDENTIAL

PAGE 09 STATE 028274

UNDER THE RESOLUTION OF THE JUNE 1974 ILO CONFERENCE WHICH

CONDEMNED ISRAEL (WITHOUT ANY INVESTIGATION) FOR VARIOUS ALLEGED DISCRIMINATORY ACTIVITIES IN THE ARAB TERRITORIES IT OCCUPIES AND WHICH ASKED THE DIRECTOR GENERAL TO TAKE STEPS TO END THOSE ALLEGED ACTIVITIES. IN HIS REPORT (ON THE 1974 RESOLUTION) TO THE ILO GOVERNING BODY MEETING IN NOVEMBER, 1976, THE DIRECTOR GENERAL EXPRESSED HIS DESIRE TO TERMINATE FURTHER ACTION BY HIMSELF. THE OFFICERS OF THE GOVERNING BODY ENDORSED HIS POSITION AND RECOMMENDED THAT THE GOVERNING BODY ACCEPT THIS POSITION BY TAKING NOTE OF HIS REPORT. HOWEVER, THE GOVERNING BODY POSTPONED CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT UNTIL THE NEXT GOVERNING BODY MEETING BEGINNING FEBRUARY 14.

THE UNITED STATES GOVERNMENT REQUESTS THE SUPPORT OF THE GOVERNMENT OF () AT THIS MEETING IN OBTAINING A GOVERNING BODY DECISION TO TAKE NOTE OF THE DIRECTOR GENERAL'S

REPORT AND IN OPPOSING ANY FURTHER ACTION BY THE BODY ON THE JUNE 1974 RESOLUTION. THAT RESOLUTION HAS PLACED THE DIRECTOR GENERAL IN AN EXTREMELY DIFFICULT POSITION BY ATTEMPTING TO REQUIRE HIM TO TAKE ACTION ON ALLEGATIONS WHICH HAVE NOT BEEN INVESTIGATED BY THE ILO'S UNIQUE AND HIGHLY RESPECTED PROCEDURES. AS A RESULT, THE DIRECTOR GENERAL IS CAUGHT BETWEEN A RESOLUTION OF THE GENERAL CONFERENCE AND THE ILO'S REGULAR PROCEDURES FOR THE CONDUCT OF INVESTIGATIONS.

THESE PROCEDURES ARE OPEN TO THOSE ILO MEMBERS WHO MAY INSIST ON PURSUING THE ALLEGATIONS AGAINST ISRAEL. THE UNITED STATES HOPES THAT IF THAT SITUATION ARISES, THE () GOVERNMENT WILL JOIN WITH US IN URGING THE USE OF THOSE PROCEDURES.

IT SHOULD BE ESPECIALLY NOTED THAT THE OBJECTIVE OF THE CONFIDENTIAL

PAGE 10 STATE 028274

UNITED STATES GOVERNMENT IS TO ENSURE RESPECT FOR THE ILO'S OWN PROCEDURES IN ALL CASES, INCLUDING THIS ONE. IF THESE PROCEDURES ARE NOT USED, OR ARE ABUSED, ON WHATEVER SUBJECT, THE ABILITY OF THE ILO TO CARRY OUT ITS UNIQUE AND IMPORTANT FUNCTIONS WILL BE GRAVELY IMPAIRED.

(B) THIS OBJECTIVE IS ALSO BEING PURSUED BY THE UNITED STATES THROUGH AN AMENDMENT WHICH WILL BE CONSIDERED FIRST IN THE STANDING ORDERS COMMITTEE OF THE ILO GOVERNING BODY AT ITS SESSION IN FEBRUARY, AND THEN IN THE PLENARY OF THE GOVERNING BODY. THIS AMENDMENT IS TO ARTICLE 17 OF THE STANDING ORDERS OF THE ILO GENERAL CONFERENCE. ITS PURPOSE IS TO PROVIDE A WAY TO SCREEN OUT DRAFT RESOLUTIONS INTENDED FOR THE GENERAL CONFERENCE WHICH ATTEMPT TO CONDEMN COUNTRIES BY ABUSING OR IGNORING THE ILO'S SPECIALLY CREATED AND EFFECTIVE PROCEDURES FOR INVESTIGATION. THE

PROCEDURE WE PROPOSE WOULD REJECT CONDEMNATORY RESOLUTIONS WHEN THE MATTER IN QUESTION IS NOT WITHIN THE ILO'S JURISDICTION UNDER ITS CONVENTIONS OR WHEN IT HAS NOT BEEN INVESTIGATED AS REQUIRED BY ILO PROCEDURES, OR WHEN SUCH AN INVESTIGATION HAS BEEN MADE AND THE PROPOSED CONDEMNATION CONTRADICTS THE INVESTIGATION'S FINDINGS.

UNDER THIS PROPOSED PROCEDURE THE OFFICERS OF THE GOVERNING BODY WOULD REVIEW DRAFT RESOLUTIONS RECEIVED FOR CONSIDERATION BY THE GENERAL CONFERENCE. THE OFFICERS WOULD REFER THOSE RESOLUTIONS WHICH APPEARED TO BE WITHIN THESE CRITERIA TO A PANEL COMPOSED OF THE CHAIRMAN AND TWO MEMBERS OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS. IF THIS PANEL DECIDED THAT A DRAFT RESOLUTION SHOULD NOT GO TO THE GENERAL CONFERENCE, THAT DECISION COULD BE APPEALED TO THE OFFICERS OF THE GENERAL CONFERENCE.

THIS NEW PROCEDURE WOULD IN MANY CASES RELIEVE THE GENERAL CONFERENCE FROM DISCUSSIONS OF POLITICALLY-ORIENTED RESOLUTIONS WHICH WE BELIEVE HAVE BEEN EMBARRASSING TO CONFIDENTIAL

PAGE 11 STATE 028274

MANY MEMBERS. THESE MEMBERS HAVE FOUND THEIR DELEGATIONS, COMPOSED LARGELY OF EXPERTS, FORCED TO MAKE DIFFICULT POLITICAL DECISIONS ON MATTERS NOT APPROPRIATE TO THE FORUM IN WHICH THEY HAVE BEEN RAISED.

THE UNITED STATES HAS FORMALLY NOTIFIED THE ILO THAT THESE OBJECTIVES OF DEVOTING ALL OF THE ORGANIZATION'S ENERGIES TO ITS GOALS AND PURPOSES AS DEFINED IN ITS CHARTER, AND THE PROPER USE OF THE ILO'S UNIQUELY DESIGNED INVESTIGATING PROCEDURES, ARE OF FUNDAMENTAL IMPORTANCE AND CONTINUING HIGH CONCERN TO THE UNITED STATES GOVERNMENT. THIS NOTIFICATION WAS GIVEN IN A LETTER (NOVEMBER 5, 1975) FROM THE SECRETARY OF STATE TO THE DIRECTOR GENERAL OF THE ILO.
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AMCONSUL BOMBAY IMMEDIATE

C O N F I D E N T I A L STATE 028274

FOLLOWING REPEAT STATE 028274 ACTION CANBERRA BRASILIA CONAKRY
NEW DELHI TEHRAN TOKYO KUWAIT MONROVIA ISLAMABAD PANAMA
MOGADISCIO KHARTOUM LOME PORT OF SPAIN CARACAS KINSHASA LAGOS
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BRUSSELS INFO USUN GENEVA 8 FEB QUOTE

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PAGE 02 STATE 028274

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1. ACTION ADDRESSEES ARE REQUESTED, UNLESS THEY CONSIDER IT INADVISABLE, TO MAKE APPROACH ON BOTH SUBJECTS AT

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PAGE 03 STATE 028274

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CONFIDENTIAL

PAGE 04 STATE 028274

6. ARAB-ISRAELI ISSUE. (A) BACKGROUND: AS STATED REFTTEL, US RELUCTANTLY AGREED TO POSTPONEMENT BY NOVEMBER SESSION OF ILO GOVERNING BODY OF DISCUSSION OF DG'S REPORT, CONCURRED IN BY GB OFFICERS, RECOMMENDING THAT GB "CLOSE THE BOOK" ON 1974 RESOLUTION CONDEMNING ISRAEL WITHOUT INVESTIGATION. POSTPONEMENT WAS ON BASIS THAT DG'S REPORT WOULD BE CONSIDERED AT FEBRUARY SESSION. GB BEGINS COMMITTEE MEETINGS FEB 14, FOLLOWED BY PLENARY MARCH 1-4. ISSUE WILL COME UP DURING PLENARY SESSION.

(B) APPROACH SHOULD POINT OUT THIS IS NOT SUBSTANTIVE MIDDLE EAST ISSUE BUT ONE OF DUE PROCESS WHICH IS IN INTERESTS OF ALL ILO MEMBERS. ILO MEMBERS NOW HAVE OPPORTUNITY TO DEAL CONCLUSIVELY AND FINALLY WITH ISSUE WHICH HAS BEDEVILLED ILO PROCEEDINGS AND WHOSE OUTCOME WILL HAVE GREAT INFLUENCE ON US RE FUTURE OF ITS RELATIONS WITH ILO.

(C) HOST GOVERNMENTS SHOULD BE ASKED TO INSTRUCT ILO GB REPRESENTATIVES TO (A) SUPPORT ACTION TO HAVE DG'S RECOMMENDATION (TO CLOSE BOOK) ACCEPTED, AND (B) TO RESIST ANY EFFORTS FOR GB TO POSTPONE ISSUE OR TO HAVE FURTHER ACTION TAKEN. POSTS MAY POINT OUT THAT THOSE WHO ORIGINALLY SPONSORED THE RESOLUTION HAVE ALWAYS BEEN FREE, AND ARE STILL FREE, TO FILE COMPLAINT THROUGH NORMAL ILO MACHINERY (ART 26 OR COMMITTEE ON FREEDOM OF ASSOCIATION).

7. ARTICLE 17: (A) BACKGROUND: TWO OF FOUR TRENDS PROMPTING USG LETTER OF INTENT TO WITHDRAW FROM ILO ARE ITS INCREASING POLITICIZATION, I.E., GROWING AMOUNT OF ILO TIME AND ENERGY SPENT ON IRRELEVANT AND POLEMICAL RESOLUTIONS UNRELATED TO GOALS OF ILO AS SET FORTH IN ITS CONSTITUTION, AND VIOLATIONS OF DUE PROCESS THROUGH ADOPTION OF RESOLUTIONS CONDEMNING COUNTRIES WITHOUT INVESTIGATION. USG HAS PROPOSED AMENDING ARTICLE 17 (DEALING WITH RESOLUTIONS) OF STANDING ORDERS OF ILO CONFERENCE TO CREATE SCREENING DEVICE WHICH WOULD PREVENT SUCH RESOLUTIONS FROM BEING CONFIDENTIAL

PAGE 05 STATE 028274

CONSIDERED AT THE CONFERENCE. THE NOV GB PLACED THIS ITEM ON THE AGENDA OF THE FEB 1977 SESSION FOR CONSIDERATION BY ITS STANDING ORDERS COMMITTEE AND PLENARY SESSION. (ASSUMING FAVORABLE ACTION AT EACH STEP, STANDING ORDERS COMMITTEE OF GB RECOMMENDS ADOPTION TO GB, GB REFERS TO STANDING ORDERS COMMITTEE OF JUNE GENERAL CONFERENCE, WHICH RECOMMENDS ADOPTION TO CONFERENCE, WHICH FINALLY ADOPTS.)

AMENDMENT AS IT WILL COME BEFORE STANDING ORDERS COMMITTEE OF GB IS THE US-DRAFTED TEXT AS AMENDED AFTER INFORMAL CONSULTATIONS IN NOVEMBER 1975 BETWEEN US AND OTHER MEMBERS

OF WORKING PARTY ON STRUCTURE (WPS). THAT AMENDMENT (WHICH MAY BE SUBJECT OF MINOR TECHNICAL CHANGES PROPOSED BY USDEL IN COMMITTEE) DEFINES THE TWO CRITERIA OF NON-RECEIVABILITY: (1) CONDEMNATIONS OF COUNTRIES ON MATTERS NOT RELATED TO CONVENTIONS AND RECOMMENDATIONS OF ILO; AND (2) CONDEMNATION OF COUNTRIES ON MATTERS COVERED BY CONVENTIONS AND RESOLUTIONS WHERE AN INVESTIGATION HAS NOT TAKEN PLACE OR WHERE CONDEMNATION IS NOT IN ACCORDANCE WITH FINDINGS OF INVESTIGATING COMMITTEE. OFFICERS OF GB FIRST SCREEN RESOLUTIONS RECEIVED, REFERRING THOSE CONSIDERED TO COME WITHIN NON-RECEIVABLE CRITERIA TO A THREE-MAN PANEL FROM COMMITTEE ON EXPERTS ON APPLICATION OF CONVENTIONS, INCLUDING CHAIRMAN AND TWO OTHERS, WHO WOULD SCREEN RESOLUTIONS SUBMITTED TO CONFERENCE TO DETERMINE WHETHER THEY FELL WITHIN CRITERIA OF NON-RECEIVABILITY. APPEAL TO THE OFFICERS OF THE CONFERENCE WOULD ALSO BE PROVIDED. IN ALL THREE CASES (GB OFFICERS, EXPERT PANEL AND CONFERENCE OFFICERS) MAJORITY DECISION WOULD BE CONTROLLING.

(B) POSTS SHOULD STATE THAT USG LOOKS UPON CREATION OF SCREENING PROCEDURE AS IMPORTANT STEP TOWARD OBJECTIVE SHARED BY MANY ILO MEMBERS, INCLUDING US, I.E. TO ENSURE ILO FOCUSES ATTENTION ON ISSUES/PROGRAMS RELATED TO GOALS, PURPOSES AND SPECIALIZED MANDATE OF ORGANIZATION AND THAT CONFIDENTIAL

PAGE 06 STATE 028274

THE FUNDAMENTAL PRINCIPLES OF DUE PROCESS (INVESTIGATION BEFORE CONDEMNATION) BE PRESERVED; POSTS SHOULD REQUEST HOST GOVERNMENT SUPPORT OF EFFORTS TO AMEND ARTICLE 17 TO CREATE SUCH PROCEDURE, STRESSING THAT: (1) CREATION OF SCREENING PROCEDURE WOULD CONSIDERABLY ALLEVIATE ONE OF MAJOR CAUSES OF USG DISAFFECTION WITH ILO; AND (2) THIS AMENDMENT WOULD PREVENT EMBARRASSING SITUATIONS WHICH HAVE CONFRONTED MANY ILO MEMBERS WHEN THEY HAVE BEEN SUBJECT TO POLITICAL PRESSURE TO SUPPORT RESOLUTIONS WHICH THEY ARE AWARE ARE DESTRUCTIVE OF THE PRINCIPLES AND PROCEDURES OF THE ILO.

8. GB TRIPARTITE VOTING MEMBERS:

(A) GOVERNMENT MEMBERS: AUSTRALIA, BRAZIL CANADA, FRANCE, FEDERAL REPUBLIC OF GERMANY, GUINEA, HUNGARY, INDIA, IRAN, ITALY, JAPAN, KUWAIT, LIBERIA, MEXICO, NORWAY, PAKISTAN, PANAMA, SOMALIA, SUDAN, TOGO, TRINIDAD AND TOBAGO, USSR, UNITED KINGDOM, UNITED STATES, VENEZUELA, YUGOSLAVIA, ZAIRE.

(B) EMPLOYER MEMBERS: NIGERIA , SUDAN, SWEDEN, UNITED KINGDOM, CONGO, IRAN, FEDERAL REPUBLIC OF GERMANY, VENEZUELA, LEBANON, FRANCE, UNITED STATES, INDIA, URUGUAY, JAPAN.

(C) WORKER MEMBERS: UNITED STATES, JAPAN, AUSTRALIA, ARGENTINA, TUNISIA, INDIA, CANADA, FEDERAL REPUBLIC OF GERMANY, NIGERIA, USSR, UNITED KINGDOM, MADAGASCAR, MEXICO, NORWAY.

9. GB TRIPARTITE NON-VOTING MEMBERS:

(A) GOVERNMENT DEPUTY MEMBERS: ARGENTINA, AUSTRIA, BURUNDI, UNITED REPUBLIC OF CAMEROON, COLOMBIA, CUBA, GREECE, HONDURAS, INDONESIA, MAURITIUS, POLAND ROMANIA, CONFIDENTIAL

PAGE 07 STATE 028274

SIERRA LEONE, SRI LANKA, TANZANIA, THAILAND, TUNISIA, TURKEY.

(B) EMPLOYER DEPUTY MEMBERS: JORDAN, GHANA, SIERRA LEONE, JAMAICA, SPAIN, UNITED REPUBLIC OF CAMEROON, ITALY, AUSTRALIA, CANADA, SENEGAL, BELGIUM, ARGENTINA, MEXICO, TUNISIA.

(C) WORKER DEPUTY MEMBERS: ISRAEL, IVORY COAST, COLOMBIA, ITALY, ROMANIA, EGYPT, VENEZUELA, ZAIRE, AUSTRIA, FRANCE, PHILIPPINES, ETHIOPIA, INDONESIA, MALAYSIA.

10. (A) AIDE-MEMOIRE

THE UNITED STATES GOVERNMENT BELIEVES THAT MEMBERS OF THE ILO GOVERNING BODY SHOULD SUPPORT THE DIRECTOR GENERAL OF THE ILO IN HIS DESIRE TO CLOSE OUT HIS RESPONSIBILITIES UNDER THE RESOLUTION OF THE JUNE 1974 ILO CONFERENCE WHICH CONDEMNED ISRAEL (WITHOUT ANY INVESTIGATION) FOR VARIOUS ALLEGED DISCRIMINATORY ACTIVITIES IN THE ARAB TERRITORIES IT OCCUPIES AND WHICH ASKED THE DIRECTOR GENERAL TO TAKE STEPS TO END THOSE ALLEGED ACTIVITIES. IN HIS REPORT (ON THE 1974 RESOLUTION) TO THE ILO GOVERNING BODY MEETING IN NOVEMBER, 1976, THE DIRECTOR GENERAL EXPRESSED HIS DESIRE TO TERMINATE FURTHER ACTION BY HIMSELF. THE OFFICERS OF THE GOVERNING BODY ENDORSED HIS POSITION AND RECOMMENDED THAT THE GOVERNING BODY ACCEPT THIS POSITION BY TAKING NOTE OF HIS REPORT. HOWEVER, THE GOVERNING BODY POSTPONED CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT UNTIL THE NEXT GOVERNING BODY MEETING BEGINNING FEBRUARY 14.

THE UNITED STATES GOVERNMENT REQUESTS THE SUPPORT OF THE GOVERNMENT OF () AT THIS MEETING IN OBTAINING A GOVERNING BODY DECISION TO TAKE NOTE OF THE DIRECTOR GENERAL'S

REPORT AND IN OPPOSING ANY FURTHER ACTION BY THE BODY ON CONFIDENTIAL

PAGE 08 STATE 028274

THE JUNE 1974 RESOLUTION. THAT RESOLUTION HAS PLACED THE DIRECTOR GENERAL IN AN EXTREMELY DIFFICULT POSITION BY ATTEMPTING TO REQUIRE HIM TO TAKE ACTION ON ALLEGATIONS WHICH HAVE NOT BEEN INVESTIGATED BY THE ILO'S UNIQUE AND HIGHLY RESPECTED PROCEDURES. AS A RESULT, THE DIRECTOR GENERAL IS CAUGHT BETWEEN A RESOLUTION OF THE GENERAL CONFERENCE AND THE ILO'S REGULAR PROCEDURES FOR THE CONDUCT OF INVESTIGATIONS.

THESE PROCEDURES ARE OPEN TO THOSE ILO MEMBERS WHO MAY INSIST ON PURSUING THE ALLEGATIONS AGAINST ISRAEL. THE UNITED STATES HOPES THAT IF THAT SITUATION ARISES, THE () GOVERNMENT WILL JOIN WITH US IN URGING THE USE OF THOSE PROCEDURES.

IT SHOULD BE ESPECIALLY NOTED THAT THE OBJECTIVE OF THE UNITED STATES GOVERNMENT IS TO ENSURE RESPECT FOR THE ILO'S OWN PROCEDURES IN ALL CASES, INCLUDING THIS ONE. IF THESE PROCEDURES ARE NOT USED, OR ARE ABUSED, ON WHATEVER SUBJECT, THE ABILITY OF THE ILO TO CARRY OUT ITS UNIQUE AND IMPORTANT FUNCTIONS WILL BE GRAVELY IMPAIRED.

(B) THIS OBJECTIVE IS ALSO BEING PURSUED BY THE UNITED STATES THROUGH AN AMENDMENT WHICH WILL BE CONSIDERED FIRST IN THE STANDING ORDERS COMMITTEE OF THE ILO GOVERNING BODY AT ITS SESSION IN FEBRUARY, AND THEN IN THE PLENARY OF THE GOVERNING BODY. THIS AMENDMENT IS TO ARTICLE 17 OF THE STANDING ORDERS OF THE ILO GENERAL CONFERENCE. ITS PURPOSE IS TO PROVIDE A WAY TO SCREEN OUT DRAFT RESOLUTIONS INTENDED FOR THE GENERAL CONFERENCE WHICH ATTEMPT TO CONDEMN COUNTRIES BY ABUSING OR IGNORING THE ILO'S SPECIALLY CREATED AND EFFECTIVE PROCEDURES FOR INVESTIGATION. THE PROCEDURE WE PROPOSE WOULD REJECT CONDEMNATORY RESOLUTIONS WHEN THE MATTER IN QUESTION IS NOT WITHIN THE ILO'S JURISDICTION UNDER ITS CONVENTIONS OR WHEN IT HAS NOT BEEN INVESTIGATED AS REQUIRED BY ILO PROCEDURES, OR WHEN SUCH

CONFIDENTIAL

PAGE 09 STATE 028274

AN INVESTIGATION HAS BEEN MADE AND THE PROPOSED CONDEMNATION CONTRADICTS THE INVESTIGATION'S FINDINGS.

UNDER THIS PROPOSED PROCEDURE THE OFFICERS OF THE GOVERNING BODY WOULD REVIEW DRAFT RESOLUTIONS RECEIVED FOR CONSIDERATION BY THE GENERAL CONFERENCE. THE OFFICERS WOULD REFER THOSE RESOLUTIONS WHICH APPEARED TO BE WITHIN THESE CRITERIA TO A PANEL COMPOSED OF THE CHAIRMAN AND TWO MEMBERS OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS. IF THIS PANEL DECIDED THAT A DRAFT RESOLUTION SHOULD NOT GO TO THE GENERAL CONFERENCE, THAT DECISION COULD BE APPEALED TO THE OFFICERS OF THE GENERAL CONFERENCE.

THIS NEW PROCEDURE WOULD IN MANY CASES RELIEVE THE GENERAL CONFERENCE FROM DISCUSSIONS OF POLITICALLY-ORIENTED RESOLUTIONS WHICH WE BELIEVE HAVE BEEN EMBARRASSING TO MANY MEMBERS. THESE MEMBERS HAVE FOUND THEIR DELEGATIONS, COMPOSED LARGELY OF EXPERTS, FORCED TO MAKE DIFFICULT POLITICAL DECISIONS ON MATTERS NOT APPROPRIATE TO THE FORUM IN WHICH THEY HAVE BEEN RAISED.

THE UNITED STATES HAS FORMALLY NOTIFIED THE ILO THAT THESE OBJECTIVES OF DEVOTING ALL OF THE ORGANIZATION'S ENERGIES TO ITS GOALS AND PURPOSES AS DEFINED IN ITS CHARTER, AND THE PROPER USE OF THE ILO'S UNIQUELY DESIGNED INVESTIGATING PROCEDURES, ARE OF FUNDAMENTAL IMPORTANCE AND CONTINUING HIGH CONCERN TO THE UNITED STATES GOVERNMENT. THIS NOTIFICATION WAS GIVEN IN A LETTER (NOVEMBER 5, 1975) FROM THE SECRETARY OF STATE TO THE DIRECTOR GENERAL OF THE ILO.

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PAGE 01 STATE 028274

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C O N F I D E N T I A L STATE 028274

FOLLOWING REPEAT STATE 028274 ACTION CANBERRA BRASILIA CONAKRY
NEW DELHI TEHRAN TOKYO KUWAIT MONROVIA ISLAMABAD PANAMA
MOGADISCIO KHARTOUM LOME PORT OF SPAIN CARACAS KINSHASA LAGOS
MONTEVIDEO BUENOS AIRES TUNIS TANANARIVE BUJUMBURA YAOUNDE
BOGOTA TEGUCIGALPA PORT LOUIS FREETOWN COLOMBO DAR ES SALAM
BANGKOK ANKARA AMMAN ACCRA KINGSTON DAKAR TEL AVIV ABIDJAN CAIRO
MANILA ADDIS ABABA JAKARTA KUALA LUMPUR MELBOURNE OTTAWA ROME
PARIS BONN MEXICO OSLO LONDON STOCKHOLM VIENNA ATHENS MADRID
BRUSSELS INFO USUN GENEVA ACTION CALCUTTA BOMBAY 8 FEB QUOTE

C O N F I D E N T I A L STATE 028274

E.O. 11652: GDS
TAGS: ELAB ILO
SUBJECT: PREPARATIONS FOR FEB-MARCH 1977 SESSION OF ILO
GOVERNING BODY (GB)

REF: STATE 4508(NOTAL) - BEING REPEATED

SUMMARY: POSTS ARE ASKED TO ASSIST DEPARTMENT PREPARATIONS
CONFIDENTIAL

PAGE 02 STATE 028274

FOR MEETING (FEB 14-MARCH 4) OF THE ILO GB THROUGH REPRESENTATIONS TO HOST GOVERNMENTS AND TO OTHER APPROPRIATE GOVERNMENT OFFICIALS. MAJOR ISSUES ARE (A) CONSIDERATION OF DIRECTOR GENERAL'S (DG) (AND GB OFFICERS) RECOMMENDATION TO CLOSE THE BOOK ON 1974 ISRAELI CONDEMNATION RESOLUTION ; AND (B) CONSIDERATION OF CONFERENCE STANDING ORDERS AMENDMENT TO ELIMINATE CONFERENCE CONSIDERATION OF POLITICAL RESOLUTIONS AND RESOLUTIONS CONDEMNING WITHOUT INVESTIGATION. SUBSTANCE OF DEMARCHES IS SET FORTH PARA 6 AND 7 BELOW. PARAS 1-5 DESCRIBE PROCEDURE FOR BOTH ISSUES. ACTION ADDRESSEES INCLUDE POSTS IN COUNTRIES WHICH HAVE WORKER, EMPLOYER, AND/OR GOVT MEMBERS OF TRIPARTITE ILO GB, WITH CAVEAT SET FORTH PARA 3 FOR POSTS IN COUNTRIES WHICH HAVE WORKER AND/OR EMPLOYER REPS ON GB. END SUMMARY.

1. ACTION ADDRESSEES ARE REQUESTED, UNLESS THEY CONSIDER IT INADVISABLE, TO MAKE APPROACH ON BOTH SUBJECTS AT

HIGHEST POSSIBLE LEVEL IN HOST GOVERNMENT, AND, UNLESS THIS WOULD BE COUNTERPRODUCTIVE, IN BOTH FOREIGN AND LABOR MINISTRIES. POSTS MAY USE DISCRETION IN CHOOSING MOST EFFECTIVE APPROACH AND IN DECIDING TO RAISE ONLY ARTICLE 17 ISSUE RATHER THAN BOTH TOPICS, IF ARAB-ISRAELI APPROACH IS COUNTERPRODUCTIVE. POSTS SHOULD EMPHASIZE IMPORTANCE OF HOST GOVERNMENTS ISSUING INSTRUCTIONS TO DELEGATION, IF POSSIBLE PRIOR TO OPENING OF GB FEB 14.

PARA 8 BELOW LISTS TRIPARTITE VOTING GB MEMBERS; PARA 9 LISTS TRIPARTITE NON-VOTING MEMBERS. POSTS WHOSE HOST GOVERNMENT HAS REPRESENTATION ON GB SHOULD IN THEIR DEMARCHES REFLECT DISTINCTION BETWEEN TITULAR AND DEPUTY MEMBERS AND THAT WE KNOW THAT ALTHOUGH DEPUTY MEMBERS DO NOT VOTE, THEY NEVERTHELESS PARTICIPATE FULLY IN DISCUSSION. POSTS SHOULD ALSO REMIND HOST WORKER OR EMPLOYER DEPUTY MEMBER MAY BECOME VOTING MEMBER IF WORKER OR EMPLOYER VOTING MEMBER ABSENT (THIS DOES NOT APPLY TO GOVT
CONFIDENTIAL

PAGE 03 STATE 028274

MEMBERS).

2. FOR PARIS, BONN, LONDON, ROME, OSLO, VIENNA, OTTAWA, CANBERRA, MELBOURNE, TOKYO: IN INFORMAL CONSULTATIONS AT NOVEMBER GB, INDUSTRIALIZED MARKET ECONOMY (IMEC) COUNTRIES ON GB HAVE ALL COMMITTED THEMSELVES TO SUPPORT ARTICLE 17 AMENDMENT. DEMARCHES TO THESE COUNTRIES ON THAT ISSUE MIGHT SIMPLY TAKE FORM OF CONFIRMING THEIR AGREEMENT.

3. FOR THOSE COUNTRIES HAVING WORKER OR EMPLOYER REPRESENTATION ON GB, EMBASSY IS REQUESTED TO DISCUSS MATTER WITH RELEVANT REPRESENTATIVES ONLY IF THE EMBASSY ALREADY HAS CLOSE RELATIONSHIP WHICH WOULD MAKE THIS APPEAR NORMAL. IN OTHER CASES SUCH APPROACHES MAY RAISE MORE PROBLEMS THAN ANY ADVANTAGES WHICH MIGHT BE GAINED. AFL-CIO REPRESENTATIVE BROWN IS FULLY COGNIZANT OF IMPORTANCE OF ISSUES AND WILL NO DOUBT BE CARRYING THIS BALL WITH WORKER REPRESENTATIVES.

4. FOR AF POSTS WHICH HAVE JUST HAD VISIT BY US ILO REP HOROWITZ: SINCE HOROWITZ DISCUSSED ABOVE SUBJECTS AT SOME LENGTH SO RECENTLY, POST MAY FIND A GENTLE REMINDER TO HOST GOVT SUFFICIENT.

5. DEPT CONSIDERS IT IMPORTANT THAT DEMARCHES, IF MADE, BE MADE TO FONOFF'S IN ADDITION TO OTHER HOST GOVERNMENT DEPARTMENTS CONSIDERED EFFECTIVE BY POSTS. WOULD APPRECIATE REPORTS OF APPROACHES BY PRIORITY CABLE TO WASHINGTON AND GENEVA. SEPTELS FOLLOW GIVING AIDE MEMOIRE IN FRENCH AND SPANISH AS APPROPRIATE BUT IN VIEW SHORTAGE

OF TIME, POSTS IN FRENCH AND SPANISH-SPEAKING COUNTRIES ARE REQUESTED TO INITIATE DEMARCHE, INFORMING HOST GOVT THAT AIDE MEMOIRE WILL BE PROVIDED SUBSEQUENTLY. ENGLISH LANGUAGE AIDE-MEMOIRE FOR USE AS SUCH AND AS TALKING POINTS
CONFIDENTIAL

PAGE 04 STATE 028274

PARA 10.

6. ARAB-ISRAELI ISSUE. (A) BACKGROUND: AS STATED REFTTEL, US RELUCTANTLY AGREED TO POSTPONEMENT BY NOVEMBER SESSION OF ILO GOVERNING BODY OF DISCUSSION OF DG'S REPORT, CONCURRED IN BY GB OFFICERS, RECOMMENDING THAT GB "CLOSE THE BOOK" ON 1974 RESOLUTION CONDEMNING ISRAEL WITHOUT INVESTIGATION. POSTPONEMENT WAS ON BASIS THAT DG'S REPORT WOULD BE CONSIDERED AT FEBRUARY SESSION. GB BEGINS COMMITTEE MEETINGS FEB 14, FOLLOWED BY PLENARY MARCH 1-4. ISSUE WILL COME UP DURING PLENARY SESSION.

(B) APPROACH SHOULD POINT OUT THIS IS NOT SUBSTANTIVE MIDDLE EAST ISSUE BUT ONE OF DUE PROCESS WHICH IS IN INTERESTS OF ALL ILO MEMBERS. ILO MEMBERS NOW HAVE OPPORTUNITY TO DEAL CONCLUSIVELY AND FINALLY WITH ISSUE WHICH

HAS BEDEVILLED ILO PROCEEDINGS AND WHOSE OUTCOME WILL HAVE GREAT INFLUENCE ON US RE FUTURE OF ITS RELATIONS WITH ILO.

(C) HOST GOVERNMENTS SHOULD BE ASKED TO INSTRUCT ILO GB REPRESENTATIVES TO (A) SUPPORT ACTION TO HAVE DG'S RECOMMENDATION (TO CLOSE BOOK) ACCEPTED, AND (B) TO RESIST ANY EFFORTS FOR GB TO POSTPONE ISSUE OR TO HAVE FURTHER ACTION TAKEN. POSTS MAY POINT OUT THAT THOSE WHO ORIGINALLY SPONSORED THE RESOLUTION HAVE ALWAYS BEEN FREE, AND ARE STILL FREE, TO FILE COMPLAINT THROUGH NORMAL ILO MACHINERY (ART 26 OR COMMITTEE ON FREEDOM OF ASSOCIATION).

7. ARTICLE 17: (A) BACKGROUND: TWO OF FOUR TRENDS PROMPTING USG LETTER OF INTENT TO WITHDRAW FROM ILO ARE ITS INCREASING POLITICIZATION, I.E., GROWING AMOUNT OF ILO TIME AND ENERGY SPENT ON IRRELEVANT AND POLEMICAL RESOLUTIONS UNRELATED TO GOALS OF ILO AS SET FORTH IN ITS CONSTITUTION, AND VIOLATIONS OF DUE PROCESS THROUGH ADOPTION OF RESOLUTIONS CONDEMNING COUNTRIES WITHOUT INVESTIGATION. USG HAS PROPOSED AMENDING ARTICLE 17 (DEALING WITH RESOLUTIONS) OF CONFIDENTIAL

PAGE 05 STATE 028274

STANDING ORDERS OF ILO CONFERENCE TO CREATE SCREENING DEVICE WHICH WOULD PREVENT SUCH RESOLUTIONS FROM BEING CONSIDERED AT THE CONFERENCE. THE NOV GB PLACED THIS ITEM ON THE AGENDA OF THE FEB 1977 SESSION FOR CONSIDERATION BY ITS STANDING ORDERS COMMITTEE AND PLENARY SESSION. (ASSUMING FAVORABLE ACTION AT EACH STEP, STANDING ORDERS COMMITTEE OF GB RECOMMENDS ADOPTION TO GB, GB REFERS TO STANDING ORDERS COMMITTEE OF JUNE GENERAL CONFERENCE, WHICH RECOMMENDS ADOPTION TO CONFERENCE, WHICH FINALLY ADOPTS.)

AMENDMENT AS IT WILL COME BEFORE STANDING ORDERS COMMITTEE OF GB IS THE US-DRAFTED TEXT AS AMENDED AFTER INFORMAL CONSULTATIONS IN NOVEMBER 1975 BETWEEN US AND OTHER MEMBERS OF WORKING PARTY ON STRUCTURE (WPS). THAT AMENDMENT (WHICH MAY BE SUBJECT OF MINOR TECHNICAL CHANGES PROPOSED BY USDEL IN COMMITTEE) DEFINES THE TWO CRITERIA OF NON-RECEIVABILITY: (1) CONDEMNATIONS OF COUNTRIES ON MATTERS NOT RELATED TO CONVENTIONS AND RECOMMENDATIONS OF ILO; AND (2) CONDEMNATION OF COUNTRIES ON MATTERS COVERED BY CONVENTIONS AND RESOLUTIONS WHERE AN INVESTIGATION HAS NOT TAKEN PLACE OR WHERE CONDEMNATION IS NOT IN ACCORDANCE WITH FINDINGS OF INVESTIGATING COMMITTEE. OFFICERS OF GB FIRST SCREEN RESOLUTIONS RECEIVED, REFERRING THOSE CONSIDERED TO COME WITHIN NON-RECEIVABLE CRITERIA TO A THREE-MAN PANEL FROM COMMITTEE ON EXPERTS ON APPLICATION OF CONVENTIONS, INCLUDING CHAIRMAN AND TWO OTHERS, WHO WOULD SCREEN RESOLUTIONS SUBMITTED TO CONFERENCE TO DETERMINE WHETHER THEY FELL WITHIN CRITERIA OF NON-RECEIVABILITY. APPEAL TO THE OFFICERS OF THE CONFERENCE WOULD ALSO BE PROVIDED. IN ALL THREE CASES (GB OFFICERS,

EXPERT PANEL AND CONFERENCE OFFICERS) MAJORITY DECISION
WOULD BE CONTROLLING.

(B) POSTS SHOULD STATE THAT USG LOOKS UPON CREATION OF
SCREENING PROCEDURE AS IMPORTANT STEP TOWARD OBJECTIVE
SHARED BY MANY ILO MEMBERS, INCLUDING US, I.E. TO ENSURE
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PAGE 06 STATE 028274

ILO FOCUSES ATTENTION ON ISSUES/PROGRAMS RELATED TO GOALS,
PURPOSES AND SPECIALIZED MANDATE OF ORGANIZATION AND THAT
THE FUNDAMENTAL PRINCIPLES OF DUE PROCESS (INVESTIGATION
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THEY ARE AWARE ARE DESTRUCTIVE OF THE PRINCIPLES AND
PROCEDURES OF THE ILO.

8. GB TRIPARTITE VOTING MEMBERS:

(A) GOVERNMENT MEMBERS: AUSTRALIA, BRAZIL CANADA,
FRANCE, FEDERAL REPUBLIC OF GERMANY, GUINEA, HUNGARY, INDIA,
IRAN, ITALY, JAPAN, KUWAIT, LIBERIA, MEXICO, NORWAY, PAKI-
STAN, PANAMA, SOMALIA, SUDAN, TOGO, TRINIDAD AND TOBAGO,
USSR, UNITED KINGDOM, UNITED STATES, VENEZUELA, YUGOSLAVIA,
ZAIRE.

(B) EMPLOYER MEMBERS: NIGERIA , SUDAN, SWEDEN, UNITED
KINGDOM, CONGO, IRAN, FEDERAL REPUBLIC OF GERMANY,
VENEZUELA, LEBANON, FRANCE, UNITED STATES, INDIA, URUGUAY,
JAPAN.

(C) WORKER MEMBERS: UNITED STATES, JAPAN, AUSTRALIA,
ARGENTINA, TUNISIA, INDIA, CANADA, FEDERAL REPUBLIC OF
GERMANY, NIGERIA, USSR, UNITED KINGDOM, MADAGASCAR, MEXICO,
NORWAY.

9. GB TRIPARTITE NON-VOTING MEMBERS:

(A) GOVERNMENT DEPUTY MEMBERS: ARGENTINA, AUSTRIA,
CONFIDENTIAL

PAGE 07 STATE 028274

BURUNDI, UNITED REPUBLIC OF CAMEROON, COLOMBIA, CUBA,
GREECE, HONDURAS, INDONESIA, MAURITIUS, POLAND ROMANIA,
SIERRA LEONE, SRI LANKA, TANZANIA, THAILAND, TUNISIA,
TURKEY.

(B) EMPLOYER DEPUTY MEMBERS: JORDAN, GHANA, SIERRA LEONE, JAMAICA, SPAIN, UNITED REPUBLIC OF CAMEROON, ITALY, AUSTRALIA, CANADA, SENEGAL, BELGIUM, ARGENTINA, MEXICO, TUNISIA.

(C) WORKER DEPUTY MEMBERS: ISRAEL, IVORY COAST, COLOMBIA, ITALY, ROMANIA, EGYPT, VENEZUELA, ZAIRE, AUSTRIA, FRANCE, PHILIPPINES, ETHIOPIA, INDONESIA, MALAYSIA.

10. (A) AIDE-MEMOIRE

THE UNITED STATES GOVERNMENT BELIEVES THAT MEMBERS OF THE ILO GOVERNING BODY SHOULD SUPPORT THE DIRECTOR GENERAL OF THE ILO IN HIS DESIRE TO CLOSE OUT HIS RESPONSIBILITIES UNDER THE RESOLUTION OF THE JUNE 1974 ILO CONFERENCE WHICH CONDEMNED ISRAEL (WITHOUT ANY INVESTIGATION) FOR VARIOUS ALLEGED DISCRIMINATORY ACTIVITIES IN THE ARAB TERRITORIES IT OCCUPIES AND WHICH ASKED THE DIRECTOR GENERAL TO TAKE STEPS TO END THOSE ALLEGED ACTIVITIES. IN HIS REPORT (ON THE 1974 RESOLUTION) TO THE ILO GOVERNING BODY MEETING IN NOVEMBER, 1976, THE DIRECTOR GENERAL EXPRESSED HIS DESIRE TO TERMINATE FURTHER ACTION BY HIMSELF. THE OFFICERS OF THE GOVERNING BODY ENDORSED HIS POSITION AND RECOMMENDED THAT THE GOVERNING BODY ACCEPT THIS POSITION BY TAKING NOTE OF HIS REPORT. HOWEVER, THE GOVERNING BODY POSTPONED CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT UNTIL THE NEXT GOVERNING BODY MEETING BEGINNING FEBRUARY 14.

THE UNITED STATES GOVERNMENT REQUESTS THE SUPPORT OF THE GOVERNMENT OF () AT THIS MEETING IN OBTAINING A GOVERNING BODY DECISION TO TAKE NOTE OF THE DIRECTOR GENERAL'S
CONFIDENTIAL

PAGE 08 STATE 028274

REPORT AND IN OPPOSING ANY FURTHER ACTION BY THE BODY ON THE JUNE 1974 RESOLUTION. THAT RESOLUTION HAS PLACED THE DIRECTOR GENERAL IN AN EXTREMELY DIFFICULT POSITION BY ATTEMPTING TO REQUIRE HIM TO TAKE ACTION ON ALLEGATIONS WHICH HAVE NOT BEEN INVESTIGATED BY THE ILO'S UNIQUE AND HIGHLY RESPECTED PROCEDURES. AS A RESULT, THE DIRECTOR GENERAL IS CAUGHT BETWEEN A RESOLUTION OF THE GENERAL CONFERENCE AND THE ILO'S REGULAR PROCEDURES FOR THE CONDUCT OF INVESTIGATIONS.

THESE PROCEDURES ARE OPEN TO THOSE ILO MEMBERS WHO MAY INSIST ON PURSUING THE ALLEGATIONS AGAINST ISRAEL. THE UNITED STATES HOPES THAT IF THAT SITUATION ARISES, THE () GOVERNMENT WILL JOIN WITH US IN URGING THE USE OF THOSE PROCEDURES.

IT SHOULD BE ESPECIALLY NOTED THAT THE OBJECTIVE OF THE UNITED STATES GOVERNMENT IS TO ENSURE RESPECT FOR THE ILO'S

OWN PROCEDURES IN ALL CASES, INCLUDING THIS ONE. IF THESE PROCEDURES ARE NOT USED, OR ARE ABUSED, ON WHATEVER SUBJECT, THE ABILITY OF THE ILO TO CARRY OUT ITS UNIQUE AND IMPORTANT FUNCTIONS WILL BE GRAVELY IMPAIRED.

(B) THIS OBJECTIVE IS ALSO BEING PURSUED BY THE UNITED STATES THROUGH AN AMENDMENT WHICH WILL BE CONSIDERED FIRST IN THE STANDING ORDERS COMMITTEE OF THE ILO GOVERNING BODY AT ITS SESSION IN FEBRUARY, AND THEN IN THE PLENARY OF THE GOVERNING BODY. THIS AMENDMENT IS TO ARTICLE 17 OF THE STANDING ORDERS OF THE ILO GENERAL CONFERENCE. ITS PURPOSE IS TO PROVIDE A WAY TO SCREEN OUT DRAFT RESOLUTIONS INTENDED FOR THE GENERAL CONFERENCE WHICH ATTEMPT TO CONDEMN COUNTRIES BY ABUSING OR IGNORING THE ILO'S SPECIALLY CREATED AND EFFECTIVE PROCEDURES FOR INVESTIGATION. THE PROCEDURE WE PROPOSE WOULD REJECT CONDEMNATORY RESOLUTIONS WHEN THE MATTER IN QUESTION IS NOT WITHIN THE ILO'S CONFIDENTIAL

PAGE 09 STATE 028274

JURISDICTION UNDER ITS CONVENTIONS OR WHEN IT HAS NOT BEEN INVESTIGATED AS REQUIRED BY ILO PROCEDURES, OR WHEN SUCH AN INVESTIGATION HAS BEEN MADE AND THE PROPOSED CONDEMNATION CONTRADICTS THE INVESTIGATION'S FINDINGS.

UNDER THIS PROPOSED PROCEDURE THE OFFICERS OF THE GOVERNING BODY WOULD REVIEW DRAFT RESOLUTIONS RECEIVED FOR CONSIDERATION BY THE GENERAL CONFERENCE. THE OFFICERS WOULD REFER THOSE RESOLUTIONS WHICH APPEARED TO BE WITHIN THESE CRITERIA TO A PANEL COMPOSED OF THE CHAIRMAN AND TWO MEMBERS OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS. IF THIS PANEL DECIDED THAT A DRAFT RESOLUTION SHOULD NOT GO TO THE GENERAL CONFERENCE, THAT DECISION COULD BE APPEALED TO THE OFFICERS OF THE GENERAL CONFERENCE.

THIS NEW PROCEDURE WOULD IN MANY CASES RELIEVE THE GENERAL CONFERENCE FROM DISCUSSIONS OF POLITICALLY-ORIENTED RESOLUTIONS WHICH WE BELIEVE HAVE BEEN EMBARRASSING TO MANY MEMBERS. THESE MEMBERS HAVE FOUND THEIR DELEGATIONS, COMPOSED LARGELY OF EXPERTS, FORCED TO MAKE DIFFICULT POLITICAL DECISIONS ON MATTERS NOT APPROPRIATE TO THE FORUM IN WHICH THEY HAVE BEEN RAISED.

THE UNITED STATES HAS FORMALLY NOTIFIED THE ILO THAT THESE OBJECTIVES OF DEVOTING ALL OF THE ORGANIZATION'S ENERGIES TO ITS GOALS AND PURPOSES AS DEFINED IN ITS CHARTER, AND THE PROPER USE OF THE ILO'S UNIQUELY DESIGNED INVESTIGATING PROCEDURES, ARE OF FUNDAMENTAL IMPORTANCE AND CONTINUING HIGH CONCERN TO THE UNITED STATES GOVERNMENT. THIS NOTIFICATION WAS GIVEN IN A LETTER (NOVEMBER 5, 1975) FROM THE SECRETARY OF STATE TO THE DIRECTOR GENERAL OF THE ILO. VANCE UNQUOTE VANCE

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PAGE 01 STATE 028274
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C O N F I D E N T I A L STATE 028274

FOLLOWING REPEAT STATE 028274 ACTION CANBERRA BRASILIA CONAKRY
NEW DELHI TEHRAN TOKYO KUWAIT MONROVIA ISLAMABAD PANAMA
MOGADISCIO KHARTOUM LOME PORT OF SPAIN CARACAS KINSHASA LAGOS
MONTEVIDEO BUENOS AIRES TUNIS TANANARIVE BUJUMBURA YAOUNDE
BOGOTA TEGUCIGALPA PORT LOUIS FREETOWN COLOMBO DAR ES SALAM
BANGKOK ANKARA AMMAN ACCRA KINGSTON DAKAR TEL AVIV ABIDJAN CAIRO
MANILA ADDIS ABABA JAKARTA KUALA LUMPUR MELBOURNE OTTAWA ROME
PARIS BONN MEXICO OSLO LONDON STOCKHOLM VIENNA ATHENS MADRID
BRUSSELS INFO USUN GENEVA ACTION CALCUTTA BOMBAY 8 FEB QUOTE

C O N F I D E N T I A L STATE 028274

E.O. 11652: GDS

TAGS: ELAB ILO

SUBJECT: PREPARATIONS FOR FEB-MARCH 1977 SESSION OF ILO
GOVERNING BODY (GB)

REF: STATE 4508(NOTAL) - BEING REPEATED

SUMMARY: POSTS ARE ASKED TO ASSIST DEPARTMENT PREPARATIONS
CONFIDENTIAL

PAGE 02 STATE 028274

FOR MEETING (FEB 14-MARCH 4) OF THE ILO GB THROUGH REPRESENTATIONS TO FONOFFS AND TO OTHER APPROPRIATE GOVERNMENT OFFICIALS. MAJOR ISSUES ARE (A) CONSIDERATION OF DIRECTOR GENERAL'S (DG) (AND GB OFFICERS) RECOMMENDATION TO CLOSE THE BOOK ON 1974 ISRAELI CONDEMNATION RESOLUTION ; AND (B) CONSIDERATION OF CONFERENCE STANDING ORDERS AMENDMENT TO ELIMINATE CONFERENCE CONSIDERATION OF POLITICAL RESOLUTIONS AND RESOLUTIONS CONDEMNING WITHOUT INVESTIGATION. SUBSTANCE OF DEMARCHES IS SET FORTH PARA 6 AND 7 BELOW. PARAS

1-5 DESCRIBE PROCEDURE FOR BOTH ISSUES. ACTION ADDRESSEES INCLUDE POSTS IN COUNTRIES WHICH HAVE WORKER, EMPLOYER, AND/OR GOVT MEMBERS OF TRIPARTITE ILO GB, WITH CAVEAT SET FORTH PARA 3 FOR POSTS IN COUNTRIES WHICH HAVE WORKER AND/OR EMPLOYER REPS ON GB. END SUMMARY.

1. ACTION ADDRESSEES ARE REQUESTED, UNLESS THEY CONSIDER IT INADVISABLE, TO MAKE APPROACH ON BOTH SUBJECTS AT

HIGHEST POSSIBLE LEVEL IN HOST GOVERNMENT, AND, UNLESS THIS WOULD BE COUNTERPRODUCTIVE, IN BOTH FOREIGN AND LABOR MINISTRIES. POSTS MAY USE DISCRETION IN CHOOSING MOST EFFECTIVE APPROACH AND IN DECIDING TO RAISE ONLY ARTICLE 17 ISSUE RATHER THAN BOTH TOPICS, IF ARAB-ISRAELI APPROACH IS COUNTERPRODUCTIVE. POSTS SHOULD EMPHASIZE IMPORTANCE OF HOST GOVERNMENTS ISSUING INSTRUCTIONS TO DELEGATION, IF POSSIBLE PRIOR TO OPENING OF GB FEB 14.

PARA 8 BELOW LISTS TRIPARTITE VOTING GB MEMBERS; PARA 9 LISTS TRIPARTITE NON-VOTING MEMBERS. POSTS WHOSE HOST GOVERNMENT HAS REPRESENTATION ON GB SHOULD IN THEIR DEMARCHES REFLECT DISTINCTION BETWEEN TITULAR AND DEPUTY MEMBERS AND THAT WE KNOW THAT ALTHOUGH DEPUTY MEMBERS DO NOT VOTE, THEY NEVERTHELESS PARTICIPATE FULLY IN DISCUSSION. POSTS SHOULD ALSO REMIND HOST WORKER OR EMPLOYER DEPUTY MEMBER MAY BECOME VOTING MEMBER IF WORKER OR EMPLOYER VOTING MEMBER ABSENT (THIS DOES NOT APPLY TO GOVT CONFIDENTIAL

PAGE 03 STATE 028274

MEMBERS).

2. FOR PARIS, BONN, LONDON, ROME, OSLO, VIENNA, OTTAWA, CANBERRA, MELBOURNE, TOKYO: IN INFORMAL CONSULTATIONS AT NOVEMBER GB, INDUSTRIALIZED MARKET ECONOMY (IMEC) COUNTRIES ON GB HAVE ALL COMMITTED THEMSELVES TO SUPPORT ARTICLE 17 AMENDMENT. DEMARCHES TO THESE COUNTRIES ON THAT ISSUE MIGHT SIMPLY TAKE FORM OF CONFIRMING THEIR AGREEMENT.

3. FOR THOSE COUNTRIES HAVING WORKER OR EMPLOYER REPRESENTATION ON GB, EMBASSY IS REQUESTED TO DISCUSS MATTER WITH RELEVANT REPRESENTATIVES ONLY IF THE EMBASSY ALREADY HAS CLOSE RELATIONSHIP WHICH WOULD MAKE THIS APPEAR NORMAL. IN OTHER CASES SUCH APPROACHES MAY RAISE MORE PROBLEMS THAN ANY ADVANTAGES WHICH MIGHT BE GAINED. AFL-CIO REPRESENTATIVE BROWN IS FULLY COGNIZANT OF IMPORTANCE OF ISSUES AND WILL NO DOUBT BE CARRYING THIS BALL WITH WORKER REPRESENTATIVES.

4. FOR AF POSTS WHICH HAVE JUST HAD VISIT BY US ILO REP HOROWITZ: SINCE HOROWITZ DISCUSSED ABOVE SUBJECTS AT SOME LENGTH SO RECENTLY, POST MAY FIND A GENTLE REMINDER TO

HOST GOVT SUFFICIENT.

5. DEPT CONSIDERS IT IMPORTANT THAT DEMARCHES, IF MADE, BE MADE TO FONOFF'S IN ADDITION TO OTHER HOST GOVERNMENT DEPARTMENTS CONSIDERED EFFECTIVE BY POSTS. WOULD APPRECIATE REPORTS OF APPROACHES BY PRIORITY CABLE TO WASHINGTON AND GENEVA. SEPTELS FOLLOW GIVING AIDE MEMOIRE IN FRENCH AND SPANISH AS APPROPRIATE BUT IN VIEW SHORTAGE

OF TIME, POSTS IN FRENCH AND SPANISH-SPEAKING COUNTRIES ARE REQUESTED TO INITIATE DEMARCHE, INFORMING HOST GOVT THAT AIDE MEMOIRE WILL BE PROVIDED SUBSEQUENTLY. ENGLISH LANGUAGE AIDE-MEMOIRE FOR USE AS SUCH AND AS TALKING POINTS
CONFIDENTIAL

PAGE 04 STATE 028274

PARA 10.

6. ARAB-ISRAELI ISSUE. (A) BACKGROUND: AS STATED REFTTEL, US RELUCTANTLY AGREED TO POSTPONEMENT BY NOVEMBER SESSION OF ILO GOVERNING BODY OF DISCUSSION OF DG'S REPORT, CONCURRED IN BY GB OFFICERS, RECOMMENDING THAT GB "CLOSE THE BOOK" ON 1974 RESOLUTION CONDEMNING ISRAEL WITHOUT INVESTIGATION. POSTPONEMENT WAS ON BASIS THAT DG'S REPORT WOULD BE CONSIDERED AT FEBRUARY SESSION. GB BEGINS COMMITTEE MEETINGS FEB 14, FOLLOWED BY PLENARY MARCH 1-4. ISSUE WILL COME UP DURING PLENARY SESSION.

(B) APPROACH SHOULD POINT OUT THIS IS NOT SUBSTANTIVE MIDDLE EAST ISSUE BUT ONE OF DUE PROCESS WHICH IS IN INTERESTS OF ALL ILO MEMBERS. ILO MEMBERS NOW HAVE OPPORTUNITY TO DEAL CONCLUSIVELY AND FINALLY WITH ISSUE WHICH HAS BEDEVILLED ILO PROCEEDINGS AND WHOSE OUTCOME WILL HAVE GREAT INFLUENCE ON US RE FUTURE OF ITS RELATIONS WITH ILO.

(C) HOST GOVERNMENTS SHOULD BE ASKED TO INSTRUCT ILO GB REPRESENTATIVES TO (A) SUPPORT ACTION TO HAVE DG'S RECOMMENDATION (TO CLOSE BOOK) ACCEPTED, AND (B) TO RESIST ANY EFFORTS FOR GB TO POSTPONE ISSUE OR TO HAVE FURTHER ACTION TAKEN. POSTS MAY POINT OUT THAT THOSE WHO ORIGINALLY SPONSORED THE RESOLUTION HAVE ALWAYS BEEN FREE, AND ARE STILL FREE, TO FILE COMPLAINT THROUGH NORMAL ILO MACHINERY (ART 26 OR COMMITTEE ON FREEDOM OF ASSOCIATION).

7. ARTICLE 17: (A) BACKGROUND: TWO OF FOUR TRENDS PROMPTING USG LETTER OF INTENT TO WITHDRAW FROM ILO ARE ITS INCREASING POLITICIZATION, I.E., GROWING AMOUNT OF ILO TIME AND ENERGY SPENT ON IRRELEVANT AND POLEMICAL RESOLUTIONS UNRELATED TO GOALS OF ILO AS SET FORTH IN ITS CONSTITUTION, AND VIOLATIONS OF DUE PROCESS THROUGH ADOPTION OF RESOLUTIONS CONDEMNING COUNTRIES WITHOUT INVESTIGATION. USG HAS PROPOSED AMENDING ARTICLE 17 (DEALING WITH RESOLUTIONS) OF
CONFIDENTIAL

PAGE 05 STATE 028274

STANDING ORDERS OF ILO CONFERENCE TO CREATE SCREENING DEVICE WHICH WOULD PREVENT SUCH RESOLUTIONS FROM BEING CONSIDERED AT THE CONFERENCE. THE NOV GB PLACED THIS ITEM ON THE AGENDA OF THE FEB 1977 SESSION FOR CONSIDERATION BY ITS STANDING ORDERS COMMITTEE AND PLENARY SESSION. (ASSUMING FAVORABLE ACTION AT EACH STEP, STANDING ORDERS COMMITTEE OF GB RECOMMENDS ADOPTION TO GB, GB REFERS TO STANDING ORDERS COMMITTEE OF JUNE GENERAL CONFERENCE, WHICH RECOMMENDS ADOPTION TO CONFERENCE, WHICH FINALLY ADOPTS.)

AMENDMENT AS IT WILL COME BEFORE STANDING ORDERS COMMITTEE OF GB IS THE US-DRAFTED TEXT AS AMENDED AFTER INFORMAL CONSULTATIONS IN NOVEMBER 1975 BETWEEN US AND OTHER MEMBERS OF WORKING PARTY ON STRUCTURE (WPS). THAT AMENDMENT (WHICH MAY BE SUBJECT OF MINOR TECHNICAL CHANGES PROPOSED BY USDEL IN COMMITTEE) DEFINES THE TWO CRITERIA OF NON-RECEIVABILITY: (1) CONDEMNATIONS OF COUNTRIES ON MATTERS NOT RELATED TO CONVENTIONS AND RECOMMENDATIONS OF ILO; AND (2) CONDEMNATION OF COUNTRIES ON MATTERS COVERED BY CONVENTIONS AND RESOLUTIONS WHERE AN INVESTIGATION HAS NOT TAKEN PLACE OR WHERE CONDEMNATION IS NOT IN ACCORDANCE WITH FINDINGS OF INVESTIGATING COMMITTEE. OFFICERS OF GB FIRST SCREEN RESOLUTIONS RECEIVED, REFERRING THOSE CONSIDERED TO COME WITHIN NON-RECEIVABLE CRITERIA TO A THREE-MAN PANEL FROM COMMITTEE ON EXPERTS ON APPLICATION OF CONVENTIONS, INCLUDING CHAIRMAN AND TWO OTHERS, WHO WOULD SCREEN RESOLUTIONS SUBMITTED TO CONFERENCE TO DETERMINE WHETHER THEY FELL WITHIN CRITERIA OF NON-RECEIVABILITY. APPEAL TO THE OFFICERS OF THE CONFERENCE WOULD ALSO BE PROVIDED. IN ALL THREE CASES (GB OFFICERS, EXPERT PANEL AND CONFERENCE OFFICERS) MAJORITY DECISION WOULD BE CONTROLLING.

(B) POSTS SHOULD STATE THAT USG LOOKS UPON CREATION OF SCREENING PROCEDURE AS IMPORTANT STEP TOWARD OBJECTIVE SHARED BY MANY ILO MEMBERS, INCLUDING US, I.E. TO ENSURE CONFIDENTIAL

PAGE 06 STATE 028274

ILO FOCUSES ATTENTION ON ISSUES/PROGRAMS RELATED TO GOALS, PURPOSES AND SPECIALIZED MANDATE OF ORGANIZATION AND THAT THE FUNDAMENTAL PRINCIPLES OF DUE PROCESS (INVESTIGATION BEFORE CONDEMNATION) BE PRESERVED; POSTS SHOULD REQUEST HOST GOVERNMENT SUPPORT OF EFFORTS TO AMEND ARTICLE 17 TO CREATE SUCH PROCEDURE, STRESSING THAT: (1) CREATION OF SCREENING PROCEDURE WOULD CONSIDERABLY ALLEVIATE ONE OF MAJOR CAUSES OF USG DISAFFECTION WITH ILO; AND (2) THIS AMENDMENT WOULD PREVENT EMBARRASSING SITUATIONS WHICH HAVE CONFRONTED MANY ILO MEMBERS WHEN THEY HAVE BEEN SUBJECT TO POLITICAL PRESSURE TO SUPPORT RESOLUTIONS WHICH

THEY ARE AWARE ARE DESTRUCTIVE OF THE PRINCIPLES AND
PROCEDURES OF THE ILO.

8. GB TRIPARTITE VOTING MEMBERS:

(A) GOVERNMENT MEMBERS: AUSTRALIA, BRAZIL CANADA,
FRANCE, FEDERAL REPUBLIC OF GERMANY, GUINEA, HUNGARY, INDIA,
IRAN, ITALY, JAPAN, KUWAIT, LIBERIA, MEXICO, NORWAY, PAKI-
STAN, PANAMA, SOMALIA, SUDAN, TOGO, TRINIDAD AND TOBAGO,
USSR, UNITED KINGDEOM, UNITED STATES, VENEZUELA, YUGOSLAVIA,
ZAIRE.

(B) EMPLOYER MEMBERS: NIGERIA , SUDAN, SWEDEN, UNITED
KINGDOM, CONGO, IRAN, FEDERAL REPUBLIC OF GERMANY,
VENEZUELA, LEBANON, FRANCE, UNITED STATES, INDIA, URUGUAY,
JAPAN.

(C) WORKER MEMBERS: UNITED STATES, JAPAN, AUSTRALIA,
ARGENTINA, TUNISIA, INDIA, CANADA, FEDERAL REPUBLIC OF
GERMANY, NIGERIA, USSR, UNITED KINGDOM, MADAGASCAR, MEXICO,
NORWAY.

9. GB TRIPARTITE NON-VOTING MEMBERS:

(A) GOVERNMENT DEPUTY MEMBERS: ARGENTINA, AUSTRIA,
CONFIDENTIAL

PAGE 07 STATE 028274

BURUNDI, UNITED REPUBLIC OF CAMEROON, COLOMBIA, CUBA,
GREECE, HONDURAS, INDONESIA, MAURITIUS, POLAND ROMANIA,
SIERRA LEONE, SRI LANKA, TANZANIA, THAILAND, TUNISIA,
TURKEY.

(B) EMPLOYER DEPUTY MEMBERS: JORDAN, GHANA, SIERRA LEONE,
JAMAICA, SPAIN, UNITED REPUBLIC OF CAMEROON, ITALY, AUS-
TRALIA, CANADA, SENEGAL, BELGIUM, ARGENTINA, MEXICO,
TUNISIA.

(C) WORKER DEPUTY MEMBERS: ISRAEL, IVORY COAST, COLOMBIA,
ITALY, ROMANIA, EGYPT, VENEZUELA, ZAIRE, AUSTRIA, FRANCE,
PHILIPPINES, ETHIOPIA, INDONESIA, MALAYSIA.

10. (A) AIDE-MEMOIRE

THE UNITED STATES GOVERNMENT BELIEVES THAT MEMBERS OF THE
ILO GOVERNING BODY SHOULD SUPPORT THE DIRECTOR GENERAL OF
THE ILO IN HIS DESIRE TO CLOSE OUT HIS RESPONSIBILITIES
UNDER THE RESOLUTION OF THE JUNE 1974 ILO CONFERENCE WHICH
CONDEMNED ISRAEL (WITHOUT ANY INVESTIGATION) FOR VARIOUS
ALLEGED DISCRIMINATORY ACTIVITIES IN THE ARAB TERRITORIES
IT OCCUPIES AND WHICH ASKED THE DIRECTOR GENERAL TO TAKE
STEPS TO END THOSE ALLEGED ACTIVITIES. IN HIS REPORT (ON
THE 1974 RESOLUTION) TO THE ILO GOVERNING BODY MEETING IN

NOVEMBER, 1976, THE DIRECTOR GENERAL EXPRESSED HIS DESIRE TO TERMINATE FURTHER ACTION BY HIMSELF. THE OFFICERS OF THE GOVERNING BODY ENDORSED HIS POSITION AND RECOMMENDED THAT THE GOVERNING BODY ACCEPT THIS POSITION BY TAKING NOTE OF HIS REPORT. HOWEVER, THE GOVERNING BODY POSTPONED CONSIDERATION OF THE DIRECTOR GENERAL'S REPORT UNTIL THE NEXT GOVERNING BODY MEETING BEGINNING FEBRUARY 14.

THE UNITED STATES GOVERNMENT REQUESTS THE SUPPORT OF THE GOVERNMENT OF () AT THIS MEETING IN OBTAINING A GOVERNING BODY DECISION TO TAKE NOTE OF THE DIRECTOR GENERAL'S
CONFIDENTIAL

PAGE 08 STATE 028274

REPORT AND IN OPPOSING ANY FURTHER ACTION BY THE BODY ON THE JUNE 1974 RESOLUTION. THAT RESOLUTION HAS PLACED THE DIRECTOR GENERAL IN AN EXTREMELY DIFFICULT POSITION BY ATTEMPTING TO REQUIRE HIM TO TAKE ACTION ON ALLEGATIONS WHICH HAVE NOT BEEN INVESTIGATED BY THE ILO'S UNIQUE AND HIGHLY RESPECTED PROCEDURES. AS A RESULT, THE DIRECTOR GENERAL IS CAUGHT BETWEEN A RESOLUTION OF THE GENERAL CONFERENCE AND THE ILO'S REGULAR PROCEDURES FOR THE CONDUCT OF INVESTIGATIONS.

THESE PROCEDURES ARE OPEN TO THOSE ILO MEMBERS WHO MAY INSIST ON PURSUING THE ALLEGATIONS AGAINST ISRAEL. THE UNITED STATES HOPES THAT IF THAT SITUATION ARISES, THE () GOVERNMENT WILL JOIN WITH US IN URGING THE USE OF THOSE PROCEDURES.

IT SHOULD BE ESPECIALLY NOTED THAT THE OBJECTIVE OF THE UNITED STATES GOVERNMENT IS TO ENSURE RESPECT FOR THE ILO'S OWN PROCEDURES IN ALL CASES, INCLUDING THIS ONE. IF THESE PROCEDURES ARE NOT USED, OR ARE ABUSED, ON WHATEVER SUBJECT, THE ABILITY OF THE ILO TO CARRY OUT ITS UNIQUE AND IMPORTANT FUNCTIONS WILL BE GRAVELY IMPAIRED.

(B) THIS OBJECTIVE IS ALSO BEING PURSUED BY THE UNITED STATES THROUGH AN AMENDMENT WHICH WILL BE CONSIDERED FIRST IN THE STANDING ORDERS COMMITTEE OF THE ILO GOVERNING BODY AT ITS SESSION IN FEBRUARY, AND THEN IN THE PLENARY OF THE GOVERNING BODY. THIS AMENDMENT IS TO ARTICLE 17 OF THE STANDING ORDERS OF THE ILO GENERAL CONFERENCE. ITS PURPOSE IS TO PROVIDE A WAY TO SCREEN OUT DRAFT RESOLUTIONS INTENDED FOR THE GENERAL CONFERENCE WHICH ATTEMPT TO CONDEMN COUNTRIES BY ABUSING OR IGNORING THE ILO'S SPECIALLY CREATED AND EFFECTIVE PROCEDURES FOR INVESTIGATION. THE PROCEDURE WE PROPOSE WOULD REJECT CONDEMNATORY RESOLUTIONS WHEN THE MATTER IN QUESTION IS NOT WITHIN THE ILO'S
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PAGE 09 STATE 028274

JURISDICTION UNDER ITS CONVENTIONS OR WHEN IT HAS NOT BEEN INVESTIGATED AS REQUIRED BY ILO PROCEDURES, OR WHEN SUCH AN INVESTIGATION HAS BEEN MADE AND THE PROPOSED CONDEMNATION CONTRADICTS THE INVESTIGATION'S FINDINGS.

UNDER THIS PROPOSED PROCEDURE THE OFFICERS OF THE GOVERNING BODY WOULD REVIEW DRAFT RESOLUTIONS RECEIVED FOR CONSIDERATION BY THE GENERAL CONFERENCE. THE OFFICERS WOULD REFER THOSE RESOLUTIONS WHICH APPEARED TO BE WITHIN THESE CRITERIA TO A PANEL COMPOSED OF THE CHAIRMAN AND TWO MEMBERS OF THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS. IF THIS PANEL DECIDED THAT A DRAFT RESOLUTION SHOULD NOT GO TO THE GENERAL CONFERENCE, THAT DECISION COULD BE APPEALED TO THE OFFICERS OF THE GENERAL CONFERENCE.

THIS NEW PROCEDURE WOULD IN MANY CASES RELIEVE THE GENERAL CONFERENCE FROM DISCUSSIONS OF POLITICALLY-ORIENTED RESOLUTIONS WHICH WE BELIEVE HAVE BEEN EMBARRASSING TO MANY MEMBERS. THESE MEMBERS HAVE FOUND THEIR DELEGATIONS, COMPOSED LARGELY OF EXPERTS, FORCED TO MAKE DIFFICULT POLITICAL DECISIONS ON MATTERS NOT APPROPRIATE TO THE FORUM IN WHICH THEY HAVE BEEN RAISED.

THE UNITED STATES HAS FORMALLY NOTIFIED THE ILO THAT THESE OBJECTIVES OF DEVOTING ALL OF THE ORGANIZATION'S ENERGIES TO ITS GOALS AND PURPOSES AS DEFINED IN ITS CHARTER, AND THE PROPER USE OF THE ILO'S UNIQUELY DESIGNED INVESTIGATING PROCEDURES, ARE OF FUNDAMENTAL IMPORTANCE AND CONTINUING HIGH CONCERN TO THE UNITED STATES GOVERNMENT. THIS NOTIFICATION WAS GIVEN IN A LETTER (NOVEMBER 5, 1975) FROM THE SECRETARY OF STATE TO THE DIRECTOR GENERAL OF THE ILO. VANCE UNQUOTE VANCE

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